

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JUN 19 2012

Phil Lombardi, Clerk
U.S. DISTRICT COURT

(1) JOY K. BURNIDGE,

Plaintiff,

v.

(1) BARBARA ELOISE HUNTER and
(2) ALLMERICA FINANCIAL BENEFIT INSURANCE
COMPANY

Defendants.

Case No.

12 CV - 345 GKF TLW

ALLMERICA FINANCIAL BENEFIT INSURANCE COMPANY'S
NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441(a), Defendant, Allmerica Financial Benefit Insurance Company ("Allmerica"), hereby files the following Notice of Removal and would show the Court as follows:

I.

Plaintiff commenced this action on October 31, 2011, against Defendants, Allmerica and Barbara Eloise Hunter ("Hunter") in the District Court in and for Tulsa County, Oklahoma. This action was numbered CJ-2011-6563. The following process, pleadings, and orders have been served or filed in such action, and are attached as Exhibits "1" through "12."

1. Petition.
2. Summons to Hunter.
3. Order of Dismissal for Failure to Obtain Service Within 180 Days.
4. Plaintiff's Motion to Vacate Order of Dismissal.
5. Summons to Allmerica.
6. Entry of Appearance on Behalf of Allmerica.

Des fd

7. Dismissal With Prejudice as to Hunter.
8. Order Vacating Dismissal for Failure to Obtain Service within 180 days.
9. Joint Motion to Stay Proceedings.
10. Order Granting Stay of Proceedings.
11. Entry of Appearance (Dan S. Folluo for Allmerica).
12. Entry of Appearance (Randall E. Long for Allmerica).

II.

This Court has jurisdiction over this case and removal is proper pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441. In her Petition, Plaintiff alleges to be a citizen of Oklahoma. Allmerica is alleged to be a foreign corporation, and is in fact a Michigan corporation with its principal place of business in Massachusetts. Hunter is alleged to be an Oklahoma citizen, but was dismissed with prejudice and is no longer a party to this action.

Plaintiff's Petition seeks to recover damages for personal injuries resulting from a July 12, 2010, automobile accident with Hunter. The accident is alleged to have occurred in Tulsa County. Specifically, Plaintiff seeks to recover underinsured motorist benefits under an insurance policy issued by Allmerica. Plaintiff alleges that Allmerica has not honored its obligations under the insurance policy and has thus breached its contract with Plaintiff. Plaintiff seeks to recover in damages an amount equal to the limits of the uninsured motorist coverage, or \$250,000.00, plus costs, interest and attorney fees. Therefore, this is a controversy between citizens of different states, and the amount in controversy, exclusive of interest and costs, exceeds \$75,000, making this case removable under 28 U.S.C. § 1332 and § 1441.

III.

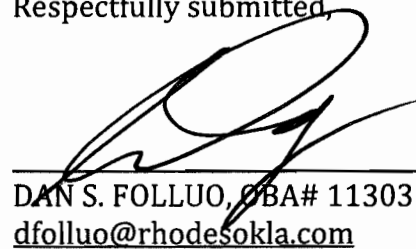
This action became removable to federal court upon the May 23, 2012, filing of a dismissal as to the only non-diverse defendant, Hunter. This Notice of Removal is being filed within thirty (30) days after said dismissal, thus, removal of this action is timely and satisfies the requirement of 28 USC § 1446(b).1

IV.

Contemporaneous with the filing of this Notice of Removal, Allmerica is giving the District Court in and for Tulsa County, Oklahoma, written notice of the same in the form attached hereto as Exhibit "13." A certified copy of the state court docket sheet is attached as Exhibit "14."

Respectfully submitted,

By



DAN S. FOLLUO, OBA# 11303
dfolluo@rhodesokla.com

RANDALL E. LONG, OBA #22216
rlong@rhodesokla.com

RHODES, HIERONYMUS, JONES,
TUCKER & GABLE

P.O. Box 21100

Tulsa, Oklahoma 74121-1100

(918) 582-1173

(918) 592-3390 Facsimile

ATTORNEYS FOR DEFENDANT

ALLMERICA FINANCIAL BENEFIT

INSURANCE COMPANY

1 Congress recently amended § 1446, but those amendments only apply to actions commenced after January 6, 2012. See P.L. 112-63, 105.

CERTIFICATE OF SERVICE

I hereby certify that on the 15 day of June, 2012, I electronically transmitted the foregoing document to the Clerk of the Court using ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Douglas Elliott
6506 South Lewis Avenue, Suite 175
Tulsa, Oklahoma 74136
Attorneys for Plaintiff


A handwritten signature in black ink, appearing to read 'DE', is written over a horizontal line.

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED
OCT 31 2011

JOY K. BURNIDGE,

Plaintiff,

vs.

BARBARA ELOISE HUNTER; and
ALLMERICA FINANCIAL BENEFIT
INSURANCE COMPANY,

Defendants.

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

CJ-2011-06563
Case No.

Linda G. Morrissey

PETITION

COMES NOW the Plaintiff, Joy K. Burnidge, by and through her attorney of record, Douglass R. Elliott, and for her causes of action against the Defendants, Barbara Eloise Hunter and Allmerica Financial Benefit Insurance Company, hereby alleges and states as follows:

1. That the Plaintiff is a resident of Tulsa, Tulsa County, State of Oklahoma. That the Defendant, Barbara Eloise Hunter, is a resident of Tulsa, Tulsa County, State of Oklahoma. That the Defendant, Allmerica Financial Benefit Insurance Company, is a foreign corporation doing business in the State of Oklahoma. That the automobile accident giving rise to this action occurred in Tulsa, Tulsa County, State of Oklahoma, thus making jurisdiction of this Court just and proper.

2. That on or about July 12, 2010, the Plaintiff was lawfully operating her vehicle westbound in the inside lane of East 71st Street near South Sheridan Road in Tulsa, Tulsa County, Oklahoma. The Defendant was traveling westbound in the middle

EXHIBIT

tabbies

1

go-ahead lane of East 71st Street near South Sheridan Road when she attempted to change lanes and carelessly, recklessly, and negligently collided with the Plaintiff's vehicle.

COUNT I

3. Plaintiff re-alleges and re-incorporates all allegations contained in Paragraphs 1 – 2.

4. That as a direct and proximate result of the Defendant Hunter's negligence, the Plaintiff has suffered serious physical and mental injuries, has incurred and continues to incur medical expenses, has endured and continues to endure both physical and mental pain and suffering, last lost wages, has lost the enjoyment of life, all of which will be more particularly proven at trial and entitle the Plaintiff to collect a sum in excess of the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code from the Defendant, Barbara Eloise Hunter.

COUNT II

5. Plaintiff re-alleges and re-incorporates all allegations contained in Paragraphs 1 – 4.

6. That at all times relevant hereto, the Plaintiff insured under an uninsured/under-insured motorist (UM/UIM) automobile insurance policy issued by Allmerica Financial Benefit Insurance Company (hereinafter referred to as "Allmerica"), said policy bearing the number A2T-5700344, and said policy was in effect on the date of the collision with Defendant Hunter.

7. As a result of Defendant Hunter's negligent operation of a vehicle on or about July 12, 2010, the Plaintiff suffered serious bodily injuries, has incurred and continues to incur medical expenses and has lost wages.

8. At the time of the collision, Defendant Hunter was an uninsured motorist as defined by Title 36 of the Oklahoma Statutes, Section 3636, and creates a situation where the UIM policy applies in providing coverage to the Plaintiff.

9. That the Plaintiff has demanded that Defendant Allmerica tender its policy limits, but Defendant Allmerica has failed to honor its contract and has failed to tender the benefits the Plaintiff is entitled to receive pursuant to contract.

10. That Defendant Allmerica has failed to timely and fairly investigate, evaluate and tender the evaluation due under the policy.

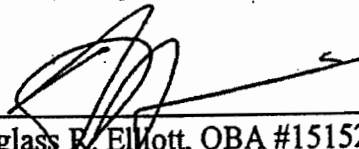
11. That Defendant Allmerica has breached its contract of insurance and has wholly refused or neglected to pay the Plaintiff the value of her uncompensated damages. Said failure constitutes a breach of contract of said insurance policy, and the Plaintiff is entitled to judgment for contractual damages against Defendant Allmerica in the amount of the maximum limits of the UM/UIM policy.

WHEREFORE, Plaintiff prays that this Court award her damages in excess of the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Codes from the Defendant, Barbara Eloise Hunter, and contractual damages from Defendant Allmerica in the amount of maximum limits of the said

UM/UIM policy, including attorney's fees, costs, interest, and any such further relief that this Court deems just and proper.

Respectfully submitted,

DOUG ELLIOTT LAW OFFICE, P.C.

A handwritten signature in black ink, appearing to read 'Douglass R. Elliott', is written over a horizontal line.

Douglass R. Elliott, OBA #15152

6506 S. Lewis Ave., Suite 175

Tulsa, OK 74136

Telephone: (918) 949-4466

Facsimile: (918) 895-9222

ATTORNEY FOR THE PLAINTIFF

ATTORNEY'S LIEN CLAIMED

7007 1490 0001 8652 3605

STREET POSTAGE
\$006.80
02833537 APR 22 2012
MAILED FROM ZIP CODE 74136

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	\$ 1.50
Certified Fee	7.95
Return Receipt Fee (Endorsement Required)	2.35
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 11.80

Postmark
Here

mailed
4-22-12

Sent to OK Ins Commissioner
 Street, Apt. No.,
 or PO Box No. P.O. Box 53408
 City, State, ZIP+4 OK 73152-3408

PS Form 3800, August 2005

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Oklahoma Ins. Commissioner
 P.O. Box 53408
 Oklahoma City, OK
 73152-3408

COMPLETE THIS SECTION ON DELIVERY

A. Signature **RECEIVED**
 OKLAHOMA INSURANCE DEPARTMENT Agent
☒ Addressee

B. Received by (Print Name) APR 20 2012 C. Date of Delivery

D. Is delivery address different from Item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. A
 M 7007 1490 0001 8652 3605

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1640

**DOUG ELLIOTT
LAW OFFICE, P.C.**
 Protecting Clients for Over Fifteen Years
 6506 S. Lewis Ave., Ste. 175
 Tulsa, Oklahoma 74136

Oklahoma Insurance Commissioner
 Kristin Henke
 P.O. Box 53408
 Oklahoma City, OK 73152-3408

Supplement with
 check mailed April
 22nd 2012 to
 OKLAHOMA INS. COMMISSIONER

7007 1490 0001 8652 3551

CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.65
Certified Fee	2.95
Return Receipt Fee (Endorsement Required)	2.35
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$5.95

Postmark
Heremailed
4-9-12

MAIL™



8652 3551



Sent to
State Ins. Commissioner
Street, Apt. No.
or PO Box No. PO Box 53408
City, State, ZIP+4 OK 73152-3408
PS Form 3800, August 2006 See Reverse for Instructions

Insurance Commissioner
OK 53408
Oklahoma City, OK 73152-3408

Burnidar

RECEIVED

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

State Insurance Commissioner
P.O. Box 53408
Oklahoma City, OK 73152
3408

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ X APR 12 2012 ☐ Agent ☐ Addressee

B. Received by (Printed Name) *Burnidar* C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

7007 1490 0001 8652 3551

S Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Initial petition. and summons mailed
to Insurance Commissioner for service
by Plaintiff on April 9, 2012

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA



JOY K. BURNIDGE,

Plaintiff,

vs.

BARBARA ELOISE HUNTER; and
ALLMERICA FINANCIAL BENEFIT
INSURANCE COMPANY,

Defendants.

CJ-2011-06563
Case No.

DISTRICT COURT
FILED

APR 20 2012

SUMMONS

To the above named Defendant: **BARBARA ELOISE HUNTER**
By Serving: 8003 S. Wheeling Ave., Unit H
Tulsa, OK 74136

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

You have been sued by the above-named Plaintiff and you are directed to file a written Answer to the attached Petition in the above-named Court within twenty (20) days after service of this Summons upon you – excluding the date of service. Within the same time, a copy of your Answer must be delivered or mailed to the attorney for the Plaintiff.

SALLY HOWE-SMITH, COURT CLERK

(SEAL)

By: *[Signature]* 10-31-11
Deputy Court Clerk

Attorney for Plaintiff:
Douglass R. Elliott, OBA No. 15152
DOUG ELLIOTT LAW OFFICE, P.C.
6506 S. Lewis Ave., Suite 175
Tulsa, OK 74136
Telephone: (918) 949-4466
Facsimile: (918) 895-9222
E-Mail: doug@dougelliottlaw.com

2012 APR 20 PM 2:46

COURT CLERK

This Summons was served on the 19 day of APRIL, 20 12.

Allen Terrell PSS-2009-46
(Signature of Person Serving Summons)

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME STATED IN THE SUMMONS.

EXHIBIT

2

RETURN OF SERVICE AFFIDAVIT

PLAINTIFF:

JOY K. BURNID

CASE NO:

CJ-2011-06563

DEFENDANT:

BARBARA ELOISE HUNTER; and
ALLMERICA FINANCIAL BENEFIT
INSURANCE COMPANY,

COUNTY:

Tulsa

DOCUMENTS SERVED: I, being duly sworn, certify that I received the foregoing to wit:

<input checked="" type="checkbox"/> Summons w/Petition or Complaint	<input type="checkbox"/> Subpoena Duces Tecum	<input type="checkbox"/> Citation/Hearing on Assets
<input type="checkbox"/> Temporary Restraining Order	<input type="checkbox"/> Subpoena w/Witness Fee	<input type="checkbox"/> Forcible Entry/Detainer
<input type="checkbox"/> Request to Set and Notice of Parenting Plan Conference	<input type="checkbox"/> Petition for Dissolution of Marriage	<input type="checkbox"/> Notice of Automatic Temporary Injunction
<input type="checkbox"/> Families in Transition Packet	<input type="checkbox"/> Application for Temporary Order	<input type="checkbox"/> Order Setting Hearing
<input type="checkbox"/> Affidavit/Order		
<input type="checkbox"/> Other:		

METHOD OF SERVICE: And served the same according to the law in the following manner to wit:

PERSONAL SERVICE

☒ by delivering a true copy of said process personally to

Barbara Eloise Hunter

Time:

3:54 PM

Location:

5527 S. Cincinnati Ave.

Tulsa, OK. 74105

Date:

04/19/2012

USUAL PLACE OF RESIDENCE

☐ by leaving a copy of said process for

With:

a resident, fifteen years of age or older at Location:

Which is his/her usual place of residence.

Date:

Time:

CORPORATION/PARTNERSHIP, ETC.

☐ by delivering a copy of said process to

he/she/it, being the service agent,

agent in charge, an officer or partner of said entity to wit:

Location:

Date:

Time:

NOT FOUND

☐ said process WAS NOT SERVED on following named for reasons stated:

Process Server:

Allen Terrill PSS-2009-46

Note:

Barbara no longer lives at - 8003 S. Wheeling Ave. Unit H Tulsa, OK. 74136. She now resides at address where service was made.

SIGNATURE OF NOTARY PUBLIC:

Subscribed and sworn to before me this

19th

Day of

April, 2012

Signed

Notary Public

SUMMER D TERRILL
NOTARY PUBLIC - OKLAHOMA
#08004181
My Comm. Expires April 14, 2016

Terrill Process Service Inc. (918)-638-0113

ORIGINAL



DISTRICT COURT
FILED

MAY 11 2012

TO:

DOUGLAS R ELLIOTT
DOUG ELLIOTT LAW OFFICE
6506 S LEWIS AVE
SUITE 175
TULSA, OK 74103

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA: TULSA COUNTY

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

JOY K BURNIDGE,
Plaintiff,
vs.
BARBARA ELOISE HUNTER, et al,
Defendant(s).

Case #: CJ-2011-6563

Judge: Linda G. Morrissey

ORDER OF DISMISSAL FOR FAILURE TO OBTAIN SERVICE WITHIN 180 DAYS

Pursuant to an examination of the files and docket sheet, it appears that more than one hundred eighty (180) days have elapsed since the filing of the petition in this case without service being made on Defendant(s) ALLMERICA FINANCIAL BENEFIT INSURANCE COMPANY; and that the action should be dismissed as to these Defendants(s) pursuant to 12 Oklahoma Statutes Section 2004(l).

IT IS HEREBY ORDERED, ADJUDGED AND DECREED in accordance with 12 Oklahoma Statutes Section 2004(l) that the above-entitled action is hereby dismissed without prejudice as to above named Defendant(s).

Dated

5-11-12

Judge of the District Court

CERTIFICATE OF MAILING

I hereby certify that on 5-11-12, 2012, I mailed a true and correct copy of this Order to the following persons, and filed a true and correct copy in this case.

To: DOUGLAS R ELLIOTT, Doug Elliott Law Office, 6506 S Lewis Ave, Suite 175, Tulsa, OK 74103.

Deputy Court Clerk

EXHIBIT

3



IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

JOY BURNIDGE,

Plaintiff,

vs.

BARBARA ELOISE HUNTER; and
ALLMERICA FINANCIAL BENEFIT
INSURANCE COMPANY,

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)

Case No. CJ-2011-6563
Judge: Linda g. Morrissey

DISTRICT COURT
FILED

MAY 16 2012

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

Defendants.

**MOTION TO VACATE ORDER OF DISMISSAL FOR FAILURE
TO OBTAIN SERVICE WITHIN 180 DAYS AGAINST
DEFENDANT ALLMERICA FINANCIAL BENEFIT
INSURANCE COMPANY**

COMES NOW the Plaintiff, Joy Burnidge, by and through her attorney of record, Douglass R. Elliott, and in support of her Motion to Vacate Order of Dismissal for failure to obtain service within 180 days against Defendant Allmerica Financial Benefit Insurance Company, hereby alleges and states good cause as follows:

Service has been timely achieved with Allmerica Financial Benefit Insurance Company on April 30, 2012, which is the 180th day from the date of the filing of the Petition and Summons. Plaintiff made a good faith effort and achieved service timely, as evidenced by the following actions, with documents attached hereto to support:

Plaintiff mailed the Petition and Summons for service to the Oklahoma Insurance Commissioner on April 9, 2012. Subsequently, a required \$20.00 fee was mailed to the Oklahoma Insurance Commissioner on April 22, 2012, and on April 30, 2012 the service of Summons and Petition was achieved as evidenced by the attached domestic return receipt ("green card") signed received by the Oklahoma Insurance Commissioner.

EXHIBIT

tabbles

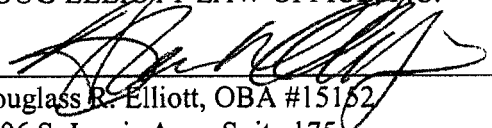
4

Plaintiff has demonstrated good cause that the Petition and Summons were timely mailed to and received by the Oklahoma Insurance Commission, thereby establishing that service was indeed made within the required 180 day timeframe. Plaintiff apologizes to the Court for not filing the return of Service prior to the Court reviewing the file.

WHEREFORE, Plaintiff prays that this Court vacate the Order of Dismissal for Failure to Obtain Service within 180 Days as to the Defendant Allmerica Financial Benefit Insurance Company, as Plaintiff has shown good cause and that service was achieved within 180 days of the filing of the Petition and Summons.

Respectfully submitted,

DOUG ELLIOTT LAW OFFICE, P.C.



Douglass R. Elliott, OBA #15152
6506 S. Lewis Ave., Suite 175
Tulsa, OK 74136

Telephone: (918) 949-4466

Facsimile: (918) 895-9222

ATTORNEY FOR THE PLAINTIFF

7007 1490 0001 8652 3605

U.S. POSTAGE
 1P
 0283537 APR 22 2012
 FILED FROM ZIP CODE 74136

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Postage \$ 1.50
 Certified Fee 7.95
 Return Receipt Fee (Endorsement Required) 2.35
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees \$ 11.80

Postmark
 Here

mailed
 4-22-12

Sent to OK Ins Commissioner
 Street, Apt. No. or PO Box No. PO Box 53408
 City, State, ZIP+4 OK 73152-3408

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Oklahoma Ins. Commissioner
 P.O. Box 53408
 Oklahoma City, OK
 73152-3408

COMPLETE THIS SECTION ON DELIVERY

A. Signature RECEIVED
 OKLAHOMA INSURANCE DEPARTMENT Agent
☒ Addressee

B. Received by (Print Name) APR 20 2012 C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. At (M) 7007 1490 0001 8652 3605

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Oklahoma Insurance Commissioner
 Kristen Hanke
 P.O. Box 53408
 Oklahoma City, OK 73152-3408

DOUG ELLIOTT
LAW OFFICE, P.C.
 Protecting Clients For Over Fifteen Years
 6506 S. Lewis Ave., Ste. 175
 Tulsa, Oklahoma 74136

SHAW'S
 SERVICE
 on APRIL
 20, 2012



DOUGLASS R. ELLIOTT

Doug Elliott Law Office, P.C.

6506 South Lewis Avenue, Suite 175
TULSA, OKLAHOMA 74136
TELEPHONE: (918) 949-4466
TOLL FREE: (866) 365-5542
FACSIMILE: (918) 895-9222
www.dougelliottlaw.com

Protecting Clients For Over Fifteen Years.

Email: doug@dougelliottlaw.com
24 Hour Direct Line: 918-521-4955

April 22, 2012

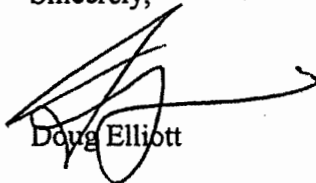
Kristen Hanke
Insurance Commissioner
State of Oklahoma
P.O. Box 53408
Oklahoma City, OK 73152-3408

Re: *Joy Burnidge v. Barbara Eloise Hunter, et al.,*
Tulsa Co.; CJ-2011-6563

Dear Ms. Hanke:

Enclosed please find three (3) copies of Plaintiff's Petition and Summons regarding the above-referenced action. Additionally, enclosed is a check in the amount of \$20.00 to cover the charge of serving these documents. Thank you for your assistance in this matter.

Sincerely,



Doug Elliott

DRE:mlm

DOUG ELLIOTT LAW OFFICE, P.C.
OPERATING ACCOUNT
6506 S. LEWIS AVE, STE #173
TULSA, OK 74136

86-3/1039

2722

DATE 9-22-12

PAY TO THE ORDER OF

Insurance Commission

\$ *20*

Twenty dollars and no

DOLLARS

BANK OF OKLAHOMA
TULSA, OKLAHOMA
www.bok.com

Tulsa OS-2011-6563

MEMO

Process Service

[Signature]

2722

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA



JOY K. BURNIDGE,

Plaintiff,

vs.

BARBARA ELOISE HUNTER; and
ALLMERICA FINANCIAL BENEFIT
INSURANCE COMPANY,

Defendants.

Cas. No.

CJ-2011-06563

**DISTRICT COURT
FILED**

MAY 16 2012

SUMMONS

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

To the above named Defendant: ALLMERICA FINANCIAL BENEFIT INSURANCE COMPANY
By Serving: State Insurance Commissioner
P.O. Box 53408
Oklahoma City, OK 73152-3408

You have been sued by the above-named Plaintiff and you are directed to file a written Answer to the attached Petition in the above-named Court within twenty (20) days after service of this Summons upon you – excluding the date of service. Within the same time, a copy of your Answer must be delivered or mailed to the attorney for the Plaintiff.

SALLY HOWE-SMITH, COURT CLERK

(SEAL)

By: Alex Trubian 10-31-11
Deputy Court Clerk

Attorney for Plaintiff:
Douglass R. Elliott, OBA No. 15152
DOUG ELLIOTT LAW OFFICE, P.C.
6506 S. Lewis Ave., Suite 175
Tulsa, OK 74136
Telephone: (918) 949-4466
Facsimile: (918) 895-9222
E-Mail: doug@dougelliottlaw.com

This Summons was served on the 30th day of April

2012 MAY 16 PM 1:00

SALLY HOWE SMITH
COURT CLERK

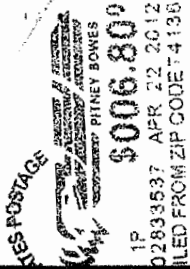
(Signature of Person Serving Summons)

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THE SUMMONS.

EXHIBIT

5

7007 1490 0001 8652 3605



U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 1.50
Certified Fee	7.95
Return Receipt Fee (Endorsement Required)	2.35
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.80

Postmark
Here

mailed
4-22-12

Sent to OK Ins Commissioner
 Street, Apt. No. or PO Box No. PO Box 53408
 City, State, ZIP+4 OK 73152-3408

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Oklahoma Ins. Commissioner
 P.O. Box 53408
 Oklahoma City, OK
 73152-3408

COMPLETE THIS SECTION ON DELIVERY

A. Signature RECEIVED
 OKLAHOMA INSURANCE DEPARTMENT Agent
☒ Addressee

B. Received by (Print Name) APR 20 2012 C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. A/M 7007 1490 0001 8652 3605

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Oklahoma Insurance Commissioner
 Kristen Hawke
 P.O. Box 53408
 Oklahoma City, OK 73152-3408

DOUG ELLIOTT
LAW OFFICE, P.C.
 Protecting Clients For Over Fifteen Years
 6506 S. Lewis Ave., Ste. 175
 Tulsa, Oklahoma 74136



IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

JOY K. BURNIDGE

Plaintiff,

v.

BARBARA ELOISE HUNDER, and
ALLMERICA FINANCIAL BENEFIT
INSURANCE COMPANY

Defendants.

CJ-2011-6563

Judge Linda Morrissey

DISTRICT COURT
FILED

MAY 23 2012

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

**ENTRY OF APPEARANCE ON BEHALF OF ALLMERICA FINANCIAL
BENEFIT INSURANCE COMPANY**

COMES NOW, John J. Bowling, and enters his appearance on behalf of the
Defendant, Allmerica Financial Benefit Insurance Company.

Respectfully submitted:

John J. Bowling, OBA No. 1681
The Hanover Law Office
5100 E. Skelly Drive, Suite 400A
Tulsa, Oklahoma 74135
918/619-1690
508/926-5560 facsimile
jbowling@hanover.com
*Attorney for Allmerica Financial
Benefit*

2012 MAY 23 PM 12:58

COURT CLERK

EXHIBIT

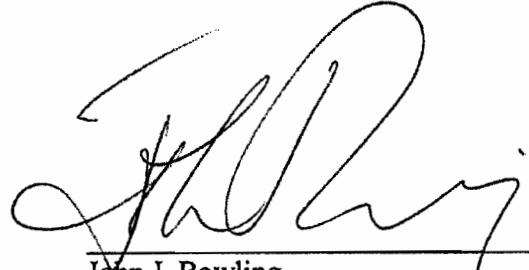
tabbies

6

CERTIFICATE OF MAILING

I hereby certify that on the 23 day of May, 2012, I deposited a true and correct copy of the foregoing document via U.S. Mail to:

Douglas Elliott
Doug Elliott Law Office
6506 S. Lewis Avenue
Suite 175
Tulsa, OK 74103
Attorneys for Plaintiffs


John J. Bowling

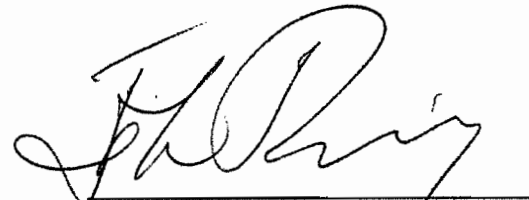
CONSENT TO SERVICE VIA ELECTRONIC MEANS

I hereby certify that I consent to receiving service in this matter via electronic means by either of the following methods:

jbowling@hanover.com

or

580-926-5560


John J. Bowling



IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

JOY BURNIDGE,

Plaintiff,

vs.

BARBARA ELOISE HUNTER; and
ALLMERICA FINANCIAL BENEFIT
INSURANCE COMPANY,

Defendants.

Case No. CJ-2011-6563

Judge: Linda g. Morrissey

DISTRICT COURT
FILED

MAY 23 2012


SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

DISMISSAL WITH PREJUDICE OF DEFENDANT HUNTER ONLY

COMES NOW the Plaintiff, Joy Burnidge, by and through her attorney of record,
Douglass R. Elliott, and DISMISSES WITH PREJUDICE her claims against the Defendant
Barbara Eloise Hunter ONLY; Plaintiff maintains her action against Defendant Allmerica
Financial Benefit Insurance Company.

Respectfully submitted,

DOUG ELLIOTT LAW OFFICE, P.C.


Douglass R. Elliott, OBA #15152
6506 S. Lewis Ave., Suite 175
Tulsa, OK 74136
Telephone: (918) 949-4466
Facsimile: (918) 895-9222
ATTORNEY FOR THE PLAINTIFF

2012 MAY 23 PM 12:37

COURT CLERK

EXHIBIT

7



IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

JOY BURNIDGE,

Plaintiff,

vs.

BARBARA ELOISE HUNTER; and
ALLMERICA FINANCIAL BENEFIT
INSURANCE COMPANY,

Defendants.

Case No. CJ-2011-6563
Judge: Linda g. Morrissey

DISTRICT COURT
FILED

MAY 23 2012

SALLY BOWE SMITH, COURT CLERK
STATE OF OKLA, TULSA COUNTY

**ORDER VACATING DISMISSAL FOR FAILURE
TO OBTAIN SERVICE WITHIN 180 DAYS AGAINST
DEFENDANT ALLMERICA FINANCIAL BENEFIT
INSURANCE COMPANY**

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Order of Dismissal for Failure to Obtain Service Within 180 Days against Defendant Allmerica Financial Benefit Insurance Company is Vacated as Plaintiff has shown good cause by demonstrating that Service was achieved within the required 180 days.


HONORABLE LINDA G. MORRISSEY

2012 MAY 23 PM 12:44

SALE 23 MAY 2012
COURT CLERK

EXHIBIT

8

AS



IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

JUN -1 2012

JOY K. BURNIDGE,

Plaintiff,

vs.

BARBARA ELOISE HUNTER; and
ALLMERICA FINANCIAL BENEFIT
INSURANCE COMPANY,

Defendant.

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

Case No.: CJ-2011-06563
Judge: Linda G. Morrissey

JOINT MOTION TO STAY PROCEEDINGS

COME NOW, Plaintiff Joy Burnidge and Allmerica Financial Benefit Insurance Company by and through their attorneys and jointly request an Order of the Court to stay the case for 180 days. In support of this motion the parties would show the Court the following:

1. This action was filed on the 31st day of October, 2011 in order to protect Plaintiff's then existing rights from a law change going into effect on November 1, 2011.
2. This action arises out of an accident in which Plaintiff was injured negotiations are ongoing.
3. Plaintiff anticipates being able to settle her injury claims with Defendant Allmerica Financial Insurance Company, and has resolved her claims with Defendant Hunter.
4. Plaintiff and Defendant Allmerica Financial Benefit Insurance Company believe that litigation beyond initial filing and service would be against the interests of judicial economy while negotiations are ongoing. Should negotiations fail, the parties

2012 JUN -1 1 PM
SALLY HOWE SMITH
COURT CLERK

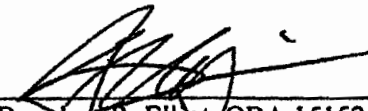
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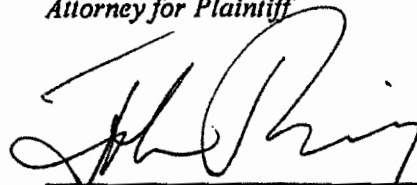
EXHIBIT
9

agree to extend the deadline for Defendant Allmerica Financial Benefit Insurance Company to file its Answer.

Based on the above information, Plaintiff and Defendant asks that the Court place the case on hold until further notice and not dismiss it under Rule 9 or any other rule. A proposed order is attached for the Court's convenience.

Respectfully submitted:



Douglass R. Elliott, OBA 15152
Doug Elliott Law Office
6506 S. Lewis Ave., Suite 175
Tulsa, OK 74136
(918) 949-4466
(918) 895-9222
Attorney for Plaintiff

John J. Bowling, OBA #16811
THE HANOVER LAW OFFICE
5100 E. Skelly Drive
Suite 400A
Tulsa, Oklahoma 74135
918/619-1690 direct
508/926-5560 facsimile
jbowling@hanover.com
*Attorney for Allmerica Financial
Benefit Insurance Company*

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

JUN - 8 2012

2012 JUN - 8 PM 2: 14

JOY K. BURNIDGE,

Plaintiff,

vs.

BARBARA ELOISE HUNTER; and
ALLMERICA FINANCIAL BENEFIT
INSURANCE COMPANY,

Defendant.

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

Case No.: CJ-2011-06563

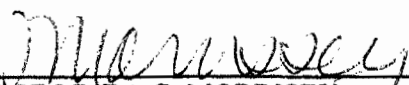
Judge: Linda G. Morrissey

ORDER

THIS MATTER comes before the Court pursuant to the Joint Motion of Plaintiff and Defendant Allmerica Financial Benefit Insurance. For good cause shown, the Court believes it is in the interest of judicial economy to grant the Motion *in part*.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this action is hereby stayed for *thirty (30)* days from the date of this Order.

Dated: June 4, 2012.


JUDGE LINDA G. MORRISSEY

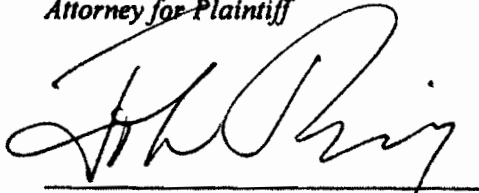
EXHIBIT

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Approved:



Douglass R. Elliott, OBA 15152
Doug Elliott Law Office
6506 S. Lewis Ave., Suite 175
Tulsa, OK 74136
(918) 949-4466
(918) 895-9222
Attorney for Plaintiff



John J. Bowling, OBA #16811
THE HANOVER LAW OFFICE
5100 E. Skelly Drive
Suite 400A
Tulsa, Oklahoma 74135
918/619-1690 direct
508/926-5560 facsimile
jbowling@hanover.com
Attorney for Allmerica Financial Benefit Insurance Company

IN THE DISTRICT COURT WITHIN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

JOY K. BURNIDGE,

Plaintiff,

v.

BARBARA ELOISE HUNTER; and
ALLMERICA FINANCIAL BENEFIT INSURANCE
COMPANY

Defendants.

JUN 19 2012

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

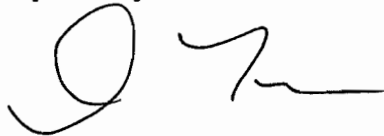
Case No. CJ-2011-06563
Judge Linda G. Morrissey

ENTRY OF APPEARANCE

COMES NOW Dan S. Folluo of the Law Firm of Rhodes, Hieronymus, Jones, Tucker & Gable and enters his appearance as counsel of record for the Defendant, Allmerica Financial Benefit Insurance Company, pursuant to Title 12 O.S. §2005.2(a).

Respectfully submitted,

By:



DAN S. FOLLUO, OBA #11303
RANDALL E. LONG, OBA #22216
RHODES, HIERONYMUS, JONES,
TUCKER & GABLE, P.L.L.C.
P.O. Box 21100
Tulsa, Oklahoma 74121
Phone (918) 582-1173
Facsimile (918) 592-3390
dfolluo@rhodesokla.com
rlong@rhodesokla.com
ATTORNEYS ALLMERICA FINANCIAL
BENEFIT INSURANCE COMPANY

EXHIBIT

tabbies

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CERTIFICATE OF SERVICE

I certify that on June 19, 2012, the above was sent via U.S. Mail to the below counsel of record:

Mr. Douglas Elliott, OBA #15152
6506 South Lewis Avenue, Suite 175
Tulsa, Oklahoma 74136
Attorneys for Plaintiff



DAN S. FOLLUO/RANDALL E. LONG

IN THE DISTRICT COURT WITHIN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

**DISTRICT COURT
FILED**

JUN 19 2012

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

JOY K. BURNIDGE,

Plaintiff,

v.

BARBARA ELOISE HUNTER; and
ALLMERICA FINANCIAL BENEFIT INSURANCE
COMPANY

Defendants.

Case No. CJ-2011-06563

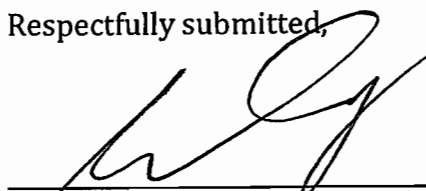
Judge Linda G. Morrissey

ENTRY OF APPEARANCE

COMES NOW Randall E. Long of the Law Firm of Rhodes, Hieronymus, Jones, Tucker
& Gable and enters his appearance as counsel of record for the Defendant, Allmerica
Financial Benefit Insurance Company, pursuant to Title 12 O.S. §2005.2(a).

Respectfully submitted,

By:


DAN S. FOLLUO, OBA #11303
RANDALL E. LONG, OBA #22216
RHODES, HIERONYMUS, JONES,
TUCKER & GABLE, P.L.L.C.
P.O. Box 21100
Tulsa, Oklahoma 74121
Phone (918) 582-1173
Facsimile (918) 592-3390
dfolluo@rhodesokla.com
rlong@rhodesokla.com
**ATTORNEYS ALLMERICA FINANCIAL
BENEFIT INSURANCE COMPANY**

EXHIBIT

tabbles

12

CERTIFICATE OF SERVICE

I certify that on June 19, 2012, the above was sent via U.S. Mail to the below counsel of record:

Mr. Douglas Elliott, OBA #15152
6506 South Lewis Avenue, Suite 175
Tulsa, Oklahoma 74136
Attorneys for Plaintiff



DAN S. FOLLUS/RANDALL E. LONG

IN THE DISTRICT COURT WITHIN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

JOY K. BURNIDGE,

Plaintiff,

v.

BARBARA ELOISE HUNTER; and
ALLMERICA FINANCIAL BENEFIT INSURANCE
COMPANY

Defendants.

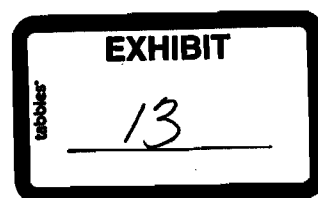
Case No. CJ-2011-06563
Judge Linda G. Morrissey

NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT

Pursuant to Title 28 of the United States Code, Section 1446(d), Defendant Allmerica Financial Benefit Insurance Company gives notice of the filing of Notice of Removal, removing this action from this Court to the United States District Court for the Northern District of Oklahoma. A copy of the Notice of Removal, filed this day in federal court, is attached hereto as Exhibit "1."

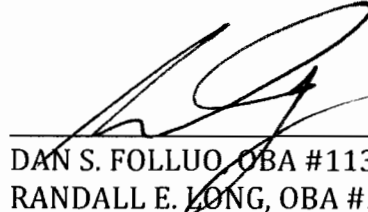
No further action need be taken by this Court, other than forwarding a complete copy of the record of this action to the United States District Court, unless and until this action is remanded to this Court. See 28 U.S.C. § 1446(d).

Dated this ____ day of June, 2012.



Respectfully submitted,

By:



DAN S. FOLLUO, OBA #11303
RANDALL E. LONG, OBA #22216
RHODES, HIERONYMUS, JONES,
TUCKER & GABLE, P.L.L.C.
P.O. Box 21100
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Phone (918) 582-1173
Facsimile (918) 592-3390
dfolluo@rhodesokla.com
rlong@rhodesokla.com
**ATTORNEYS ALLMERICA FINANCIAL
BENEFIT INSURANCE COMPANY**

CERTIFICATE OF SERVICE

I certify that on _____, 2012, the above was sent via U.S. Mail to the
below counsel of record:

Mr. Douglas Elliott, OBA #15152
6506 South Lewis Avenue, Suite 175
Tulsa, Oklahoma 74136
Attorneys for Plaintiff



DAN S. FOLLUO/RANDALL E. LONG



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IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

JOY K BURNIDGE, Plaintiff, v. BARBARA ELOISE HUNTER, Defendant, and ALLMERICA FINANCIAL BENEFIT INSURANCE COMPANY, Defendant.	No. CJ-2011-6563 (Civil relief more than \$10,000: AUTO NEGLIGENCE) Filed: 10/31/2011 Judge: Morrissey, Linda G.
--	--

Parties

ALLMERICA FINANCIAL BENEFIT INSURANCE COMPANY , Defendant
BURNIDGE, JOY K , Plaintiff
HUNTER, BARBARA ELOISE , Defendant

Attorneys

Attorney
BOWLING, JOHN J(Bar # 16811)
5100 EAST SKELLY DRIVE
SUITE 400A
TULSA, OK 74135

Represented Parties
ALLMERICA FINANCIAL BENEFIT INSURANCE
COMPANY,

ELLIOTT, DOUGLAS R(Bar # 15152)
DOUG ELLIOTT LAW OFFICE
6506 S LEWIS AVE
SUITE 175
TULSA, OK 74103

BURNIDGE, JOY K

Events

Event	Party	Docket	Reporter
-------	-------	--------	----------

Issues

For cases filed before 1/1/2000, ancillary issues may not appear except in the docket.

Issue # 1.

Issue: AUTO NEGLIGENCE (AUTONEG)
Filed by: BURNIDGE, JOY K
Filed Date: 10/31/2011
Disposition Information:

Party Name:

Defendant: ALLMERICA FINANCIAL BENEFIT INSURANCE COMPANY
Disposed: DISMISSED WITHOUT PREJUDICE,
05/11/2012. Dismissed by Court.

Defendant: ALLMERICA FINANCIAL BENEFIT INSURANCE COMPANY
Disposed: VACATED (ORDER OR JUDGMENT),
05/16/2012. Other.

EXHIBIT

tabbles


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Defendant: ALLMERICA FINANCIAL BENEFIT
 INSURANCE COMPANY

Defendant: HUNTER, BARBARA ELOISE

Disposed: DISMISSED - WITH PREJUDICE,
 05/23/2012. Dismissed- Settled.

Docket

Date	Code	Count	Party	Serial #	Entry Date		
10-31-2011	TEXT	1		79794631	Oct 31 2011 1:52:21:630PM	-	\$ 0.00
	CIVIL RELIEF MORE THAN \$10,000 INITIAL FILING.						
10-31-2011	AUTONEG	-		79794633	Oct 31 2011 1:52:21:670PM	Realized	\$ 0.00
	AUTO NEGLIGENCE						
10-31-2011	DMFE	-		79794634	Oct 31 2011 1:52:21:680PM	Realized	\$ 2.00
	DISPUTE MEDIATION FEE(\$ 2.00)						
10-31-2011	PFE1	-		79794635	Oct 31 2011 3:15:35:477PM	Realized	\$ 163.00
	PETITION(\$ 163.00)						
	 Document Available at Court Clerk's Office						
10-31-2011	PFE7	-		79794636	Oct 31 2011 1:52:21:680PM	Realized	\$ 6.00
	LAW LIBRARY FEE(\$ 6.00)						
10-31-2011	OCISR	-		79794637	Oct 31 2011 1:52:21:680PM	Realized	\$ 25.00
	OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND(\$ 25.00)						
10-31-2011	LTF	-		79794638	Oct 31 2011 1:52:21:740PM	Realized	\$ 10.00
	LENGTHY TRIAL FUND(\$ 10.00)						
10-31-2011	SMF	-		79794639	Oct 31 2011 1:52:44:500PM	Realized	\$ 10.00
	SUMMONS FEE (CLERKS FEE) -2-(\$ 10.00)						
10-31-2011	SMIMA	-		79794640	Oct 31 2011 1:52:50:890PM	Realized	\$ 0.00
	SUMMONS ISSUED - MAILED BY ATTORNEY -2-						
10-31-2011	TEXT	-		79794632	Oct 31 2011 1:52:21:650PM	-	\$ 0.00
	OCIS HAS AUTOMATICALLY ASSIGNED JUDGE MORRISSEY, LINDA G. TO THIS CASE.						
10-31-2011	ACCOUNT	-		79794661	Oct 31 2011 1:53:10:560PM	-	\$ 0.00
	RECEIPT # 2011-2230602 ON 10/31/2011. PAYOR:DOUG ELLIOTT LAW OFFICE TOTAL AMOUNT PAID: \$216.00. LINE ITEMS: CJ-2011-6563: \$173.00 ON AC01 CLERK FEES. CJ-2011-6563: \$6.00 ON AC23 LAW LIBRARY FEE. CJ-2011-6563: \$2.00 ON AC64 DISPUTE MEDIATION FEES.						

CJ-2011-6563: \$25.00 ON AC79 OCIS REVOLVING FUND.
 CJ-2011-6563: \$10.00 ON AC81 LENGTHY TRIAL FUND.

04-20-2012	S	-	HUNTER, BARBARA ELOISE	81444920	Apr 20 2012 3:52:06:180PM	-	\$ 0.00
PARTY HAS BEEN SUCCESSFULLY SERVED/SUMMONS PER SERVE TO BARBARA ELOISE HUNTER/ ON 4-19-12/ BY PROCESS SERVER Document Available (#1018302672)							
05-11-2012	DISPDWOP	1	ALLMERICA FINANCIAL BENEFIT INSURANCE COMPANY	81652154	May 11 2012 10:42:13:270AM	-	\$ 0.00
MORRISSEY, LINDA G: ORDER OF DISMISSAL WITHOUT PREJUDICE ENTERED PURSUANT TO RULE 9(A) (AS TO ALLMERICA FINANCIAL BENEFIT INSURANCE COMPANY ONLY)							
05-11-2012	ODISM	-		81655677	May 11 2012 1:34:55:397PM	-	\$ 0.00
ORDER OF DISMISSAL FOR FAILURE TO OBTAIN SERVICE WITHIN 180 DAYS AS TO DEF Document Available (#1018464796)							
05-16-2012	MOVAC	-		81699726	May 16 2012 12:59:08:910PM	Realized	\$ 33.00
PLAINTIFFS MOTION TO VACATE ORDER OF DISMISSAL FOR FAILURE TO OBTAIN SERVICE WITHIN 180 DAYS AGAINST DEFENDANT ALLMERICA FINANCIAL BENEFIT INSURANCE COMPANY (A/J)(\$ 33.00) Document Available (#1018537334)							
05-16-2012	OCISR	-		81699727	May 16 2012 12:59:08:970PM	Realized	\$ 25.00
OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND(\$ 25.00)							
05-16-2012	CCADMIN02	-		81699728	May 16 2012 12:59:08:990PM	Realized	\$ 0.20
COURT CLERK ADMINISTRATIVE FEE ON \$2 COLLECTIONS(\$ 0.20)							
05-16-2012	OCJC	-		81699729	May 16 2012 12:59:09:010PM	Realized	\$ 2.00
OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND(\$ 2.00)							
05-16-2012	OCASA	-		81699730	May 16 2012 12:59:09:130PM	Realized	\$ 5.00
OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES(\$ 5.00)							
05-16-2012	CCADMIN04	-		81699731	May 16 2012 12:59:09:180PM	Realized	\$ 0.50
COURT CLERK ADMINISTRATIVE FEE ON COLLECTIONS(\$ 0.50)							
05-16-2012	S	-	ALLMERICA FINANCIAL BENEFIT INSURANCE COMPANY	81701213	May 16 2012 2:00:47:070PM	-	\$ 0.00
PARTY HAS BEEN SUCCESSFULLY SERVED. SUMMONS SERVED FOR ALLMERICA FINANCIAL BENEFIT INSURANCE CO/ CERTIFIED MAIL/ BY SERVING OKLAHOMA INS COMMISSION / ON 4-20-12 Document Available (#1018536824)							
05-16-2012	CTFREE	-		81704418	May 16 2012 3:47:30:870PM	-	\$ 0.00
MORRISSEY, LINDA G: ORDER ENTERED VACATING DISMISSAL FOR FAILURE TO OBTAIN							

SERVICE WITHIN 180 DAYS AGAINST ALLMERICA FINANCIAL BENEFIT; PLAINTIFF HAS SHOWN GOOD CAUSE BY DEMONSTRATING SERVICE WAS ACHIEVED WITHIN THE REQUIRED 180 DAYS

05-16-2012 ACCOUNT - 81699734 May 16 2012 12:59:29:760PM - \$ 0.00

RECEIPT # 2012-2360516 ON 05/16/2012.
PAYOR:DOUG ELLIOTT LAW OFFICE TOTAL AMOUNT PAID: \$65.70.
LINE ITEMS:
CJ-2011-6563: \$33.00 ON AC01 CLERK FEES.
CJ-2011-6563: \$0.70 ON AC31 COURT CLERK REVOLVING FUND.
CJ-2011-6563: \$5.00 ON AC58 OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES.
CJ-2011-6563: \$2.00 ON AC59 OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND.
CJ-2011-6563: \$25.00 ON AC79 OCIS REVOLVING FUND.

05-23-2012 EAA - ALLMERICA FINANCIAL BENEFIT INSURANCE COMPANY 81768171 May 23 2012 1:42:10:853PM - \$ 0.00

ENTRY OF APPEARANCE ON BEHALF OF ALLMERICA FINANCIAL BENEFIT INSURANCE COMPANY (JOHN BOWLING ENTERS AS COUNSEL - COVERSHEET ATTACHED) / CERTIFICATE OF MAILING

 [Document Available \(#1018542321\)](#)

05-23-2012 DWP - HUNTER, BARBARA ELOISE 81769793 May 23 2012 2:30:07:563PM - \$ 0.00

DISMISSAL WITH PREJUDICE OF DEFENDANT HUNTER ONLY AS IN BARBARA ELOISE HUNTER, DEF ALLMERICA FINANCIAL BENEFIT INSURANCE COMPANY BY PLF ATTY

 [Document Available \(#1018542064\)](#)

05-23-2012 DISPCVDMWP 1 HUNTER, BARBARA ELOISE 81769823 May 23 2012 2:31:20:203PM - \$ 0.00

DISMISSAL WITH PREJUDICE

05-23-2012 O - ALLMERICA FINANCIAL BENEFIT INSURANCE COMPANY 81769881 May 23 2012 2:54:30:473PM - \$ 0.00

ORDER VACATING DISMISSAL FOR FAILURE TO OBTAIN SERVICE WITHIN 180 DAYS AGAINST DEFENDANT ALLMERICA FINANCIAL BENEFIT INSURANCE COMPANY

 [Document Available \(#1018542060\)](#)

06-01-2012 MO - 81855673 Jun 1 2012 4:31:03:600PM - \$ 0.00

JOINT MOTION TO STAY PRECEEDINGS/ A TO J /


 [Document Available \(#1018639444\)](#)

06-04-2012 CTFREE - 81864955 Jun 4 2012 2:34:27:647PM - \$ 0.00

MORRISSEY, LINDA G: ORDER ENTERED GRANTING JOINT MOTION TO STAY PROCEEDINGS IN PART; THIS ACTION IS STAYED FOR NINETY (90) DAYS

06-08-2012 O - 81924314 Jun 8 2012 4:09:20:753PM - \$ 0.00

ORDER (SEE MINUTE ABOVE)

 [Document Available \(#1018731405\)](#)

I, Sally Howe Smith, Court Clerk, for Tulsa County, Oklahoma, hereby certify that the foregoing is a true, correct and full copy of the instrument herewith set out as appears on record in the Court Clerk's Office of Tulsa County, Oklahoma, this

JUN 18 2012

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By  Deputy